

UNITED STATES OF AMERICA)
)
v.) No. 2:17-CR-00012-3-JRG-CRW
)
MICHAEL JW POTTER)

This matter is before the Court on United States Magistrate Judge Cynthia R. Wyrick’s Report and Recommendation [Doc. 989]. First, Judge Wyrick recommends the Court grant Defendant Michael JW Potter’s Pro Se Motion Requesting Court Transcripts/Documents [Doc. 957] but with the requirement that he pay for all copies. Judge Wyrick notes that Mr. Potter is requesting transcripts so he can pursue post-conviction relief. [R&R at 1]. Second, Judge Wyrick recommends the Court deny Mr. Potter’s Application to Proceed In Forma Pauperis [Doc. 958]. Judge Wyrick notes that “it appears that he is requesting that the Court waive the fees charged by the Clerk’s Office for the copies and transcripts requested in his Motion Requesting Court Transcripts/Documents.” [*Id.*]. Neither party has timely objected to Judge Wyrick’s report and recommendation. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).¹

Having carefully reviewed the record, the Court agrees with Judge Wyrick's recommendation. *See In re Richard*, 914 F.2d 1526, 1527 (6th Cir. 1990) (stating that even an inmate's status as a pauper "does not give [him] a right to have documents copied and returned to him at government expense"); *Gillespie v. United States*, No. 1:14-cv-63, 1:12-cr-24, 2014 WL

Case 2:17-cr-00012-JRG-CRW Document 1034 Filed 02/03/21 Page 1 of 2 PageID #: 12839

2808920, at *1 (E.D. Tenn. June 20, 2014) (“[A]n application to proceed *in forma pauperis* is unnecessary since there is no filing fee in a § 2255 proceeding.” (citation omitted)); E.D. Tenn. L.R. 9.3(b) (“When a petition for the writ of habeas corpus is filed by a person in federal custody, a filing fee is not required.”). The Court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). For the reasons in the report and recommendation, which the Court adopts and incorporates into this Order, Mr. Potter’s Pro Se Motion Requesting Court Transcripts/Documents [Doc. 957] is **GRANTED** but with the requirement that he pay for all copies.² Mr. Potter’s Application to Proceed In Forma Pauperis [Doc. 958] is **DENIED**.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

² The record shows that the Clerk’s office has already mailed a copy request notice to Mr. Potter. *See* [Copy Request Notice, Doc. 957-1]. To obtain copies of transcripts, Mr. Potter must contact Karen Bradley: 220 West Depot Street, Suite 200, Greeneville, TN 37743. [*Id.*]. The cost of transcripts is fifty cents per page. [*Id.*].